

**Exhibit 2**  
**Original Complaint**

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
NEWTON COUNTY, GEORGIA  
**SUCV2023001844**  
LAYLA H. ZON  
AUG 11, 2023 10:10 AM

IN THE SUPERIOR COURT OF NEWTON COUNTY  
STATE OF GEORGIA

  
Linda D. Hays, Clerk  
Newton County, Georgia

PUA SIAN MUNG

Petitioners,

vs.

ADVANCED FRESH CONCEPTS  
FRANCHISE CORP.

Respondent.

CIVIL ACTION  
FILE NO.

**COMPLAINT FOR BREACH OF CONTRACT, BREACH OF IMPLIED COVENANT OF  
GOOD FAITH AND FAIR DEALING AND ATTORNEY'S FEES**

COMES NOW the Petitioner PUA SIAN MUNG, and files this *Complaint for Breach of Contract, Breach of Implied Covenant of Good Faith and Fair Dealing, and Attorney's Fees* against the Respondents, ADVANCED FRESH CONCEPTS FRANCHISE CORP. respectfully shows the Court the following:

1.

Respondent ADVANCED FRESH CONCEPTS FRANCHISE CORP. is a Foreign Profit Corporation, formed under the laws of the State of California, with its principal office address at 19700 Mariner Avenue, Torrance, CA 90503.

*Complaint for Breach of Contract, Damages and Attorney's Fees*  
*Pau Sian Mung v. American Fresh Concepts Franchise Corp.*  
*Civil File No.:*

2.

Respondent ADVANCED FRESH CONCEPTS FRANCHISE CORP. can be served with this Complaint through Respondent's Registered Agent, Incorp Services, 9040 Roswell Road, Suite 500, Atlanta, GA 30350.

3.

Venue and jurisdiction against ADVANCED FRESH CONCEPTS FRANCHISE CORP. are proper in Newton County, Georgia pursuant to O.C.G.A §9-10-91 and relevant case law.

#### **Breach of Contract**

4.

On or about September 6, 2022, Petitioner PUA SIAN MUNG and Respondent ADVANCED FRESH CONCEPTS FRANCHISE CORP. entered into a contract for a Franchise Agreement whereas for five years Petitioner would operate an AFC Food Service Counter located within Publix Supermarket #1811, 43001 Town Center Drive, Covington, Georgia 30014; Petitioner would operate a sushi service counter within said location pursuant to the Franchise Agreement.

5.

Said contract/Franchise Agreement was to terminate on the fifth anniversary of the Franchise Agreement's start date.

6.

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Petitioner paid Respondent as agreed and outlined in the Franchise Agreement and began operation of the AFC Food Service Counter at the subject location.

**7.**

On or about July 21, 2023, Respondent terminated Petitioner's Franchise Agreement due to alleged acts Petitioner committed against a third-party who is unrelated to Petitioner's Franchise Agreement with Respondent.

**8.**

Respondent is in breach of contract for terminating the Franchise Agreement without cause and prior to the fifth anniversary of the Agreement's start date.

**9.**

Petitioner shows the Court that Petitioner had a personal relationship with the third-party that ended poorly; and upon information and belief, said third-party contacted the Respondent in retribution against Petitioner.

**10.**

Nevertheless, none of the allegations raised by the third-party, even if true, would be a material breach of the Franchise Agreement under the terms of said Agreement that would permit Respondent to terminate the Franchise Agreement.

**11.**

Respondents are in material breach of contract and are liable to Petitioner for damages pursuant to O.C.G.A §13-6-1 through §13-6-11, and any other relevant Statute or case law.

**12.**

That Respondents' breach of contract has caused Petitioner to suffer actual and future damages due. Petitioner's damages are ongoing, including but not limited to lost income, litigation costs, loss of future earnings, and damage to reputation due to Respondent's Breach of Contract.

**Breach of the Implied Covenant of Good Faith and Fair Dealing**

**13.**

Petitioner realleges and incorporates all above Paragraphs herein.

**14.**

Respondents are in Breach of the Implied Covenant of Good Faith and Fair Dealing and are liable to Petitioner for damages pursuant to O.C.G.A §13-6-1 through §13-6-11, and any other relevant Statute or case law.

**15.**

It has been necessary that Petitioner employ an attorney for representation in these proceedings, and Respondent should be required to pay Petitioner's attorney's fees and costs of litigation in this matter should the Respondent contest this action pursuant to O.C.G.A §13-6-11 and other relevant Statute or applicable case law.

**WHEREFORE, Petitioners pray:**

- (a) That service and process issue as provided by law;
- (b) That a Rule Nisi issue for a hearing;
- (c) That Respondent ADVANCED FRESH CONCEPTS FRANCHISE CORP.

be found in breach of contract;

(d) That Respondent ADVANCED FRESH CONCEPTS FRANCHISE CORP. be required to pay Petitioner damages for all loss suffered as a result of the breach of contract;

(e) That Respondents ADVANCED FRESH CONCEPTS FRANCHISE CORP. be found in breach of the Implied Covenant of Good Faith and Fair Dealing;

(f) That Respondent ADVANCED FRESH CONCEPTS FRANCHISE CORP. be required to pay Petitioner damages for all loss suffered as a result of the breach of the Implied Covenant of Good Faith and Fair Dealing;

(g) That Respondent ADVANCED FRESH CONCEPTS FRANCHISE CORP. be required to pay reasonable attorney's fees, costs and court fees for Petitioner's attorney of record in this matter.

(h) That Petitioner be granted such other and further relief as the Court finds equitable and just.

This 11 day of August, 2023

Respectfully submitted,



DONATO PALUMBO  
Georgia Bar No. 937493  
Attorney for Petitioner

PALUMBO LAW, LLC  
2323 Brockett Rd

*Complaint for Breach of Contract, Damages and Attorney's Fees*  
*Pau Sian Mung v. American Fresh Concepts Franchise Corp.*  
*Civil File No.:*

Tucker, Georgia 30084  
470-275-1500 phone  
678-443-7854 facsimile  
[dan@palumbolawga.com](mailto:dan@palumbolawga.com)

*Complaint for Breach of Contract, Damages and Attorney's Fees*  
*Pau Sian Mung v. American Fresh Concepts Franchise Corp.*  
*Civil File No.:*

STATE OF GEORGIA

COUNTY OF DeKalb

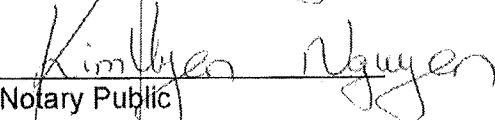
VERIFICATION

Personally appeared before the undersigned officer duly authorized to administer oaths in and for the County of DeKalb and the State of Georgia, **PAU SIAN MUNG** who, after being duly sworn, deposes and says that the facts and allegations set forth in the foregoing and attached pleading are true and correct.

  
\_\_\_\_\_  
**PAU SIAN MUNG**

Sworn to and subscribed before me

this 10 day of August, 2023.

  
\_\_\_\_\_  
Notary Public

**KIM UYEN NGUYEN**  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires Nov. 7, 2026



## General Civil and Domestic Relations Case Filing Information Form

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
NEWTON COUNTY, GEORGIA

☒ Superior or ☐ State Court of Newton

County **SUCV2023001844**  
LAYLA H. ZON

For Clerk Use Only

AUG 11, 2023 10:10 AM

Date Filed 08-11-2023Case Number SUCV2023001844

MM-DD-YYYY

*Linda D. Hays*  
Linda D. Hays, Clerk  
Newton County, Georgia

## Plaintiff(s)

Mung, Pau Sian

Last	First	Middle I.	Suffix	Prefix

## Defendant(s)

Advanced Fresh Concepts Franchise Corp.

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney Palumbo, DonatoBar Number 937493Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

## General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☒ Contract
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

## Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
  - ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
  - ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☒ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Zomi Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

To: All Judges, Clerks of Court, Co-counsel of Record, and Clients

From: DONATO "DAN" PALUMBO, Attorney at Law

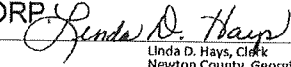
RE: Revised Notice of Leave of Absence

Case: PUA SIAN MUNG v. ADVANCED FRESH CONCEPTS FRANCHISE CORP.  
Superior Court of Newton

Case No.:

Date: August 11, 2023

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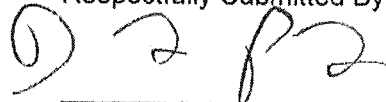
Comes now DONATO "DAN" PALUMBO, Esq., and respectfully notifies all judges before whom he has cases pending, all affected clerks of court, and all opposing counsel/parties, that he will be on leave pursuant to Georgia Uniform Superior Court Rule 16. The periods of leave during which time Applicant will be away from the practice of law, are:

<b>Period of Leave Through and Including</b>
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December 18, 2023 – December 29, 2023
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All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

Respectfully Submitted By:



Donato "Dan" Palumbo.  
Georgia Bar No.: 937493

PALUMBO LAW, LLC  
2323 Brockett Rd  
Tucker, Georgia 30084  
(470) 275-1500  
[dan@palumbolawga.com](mailto:dan@palumbolawga.com)

**CERTIFICATE OF SERVICE**

This is to certify that I have this date served a copy of the foregoing Notice of Leave of Absence upon all judges, clerks of court, opposing counsel and clients in this matter by e-mail or by depositing the same in the U.S. Mail with adequate postage affixed thereto.

This 11th day of August, 2023



DONATO PALUMBO  
Georgia Bar No. 937493

PALUMBO LAW, LLC  
2323 Brockett Rd  
Tucker, Georgia 30084  
(470) 275-1500